

Remark

Applicant respectfully requests reconsideration of this application as amended. Claims 1-5, 9, 11, 29-36, 43, 44, 46 and 47 have been amended. Claim 6 has been cancelled. Therefore, claims 1-5 and 7-49 are present for examination.

35 U.S.C. §101 Rejection

The Examiner has rejected claims 1-8 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be directed to an abstract idea that does not result in a concrete, useful and tangible result. Claim 1 has been amended to recite receiving persistence package, formatting the persistent data of the package and storing the operated on data. It is believed that this provides a concrete, useful and tangible result. The same may be said then of the remaining dependent claims.

35 U.S.C. §102 Rejection

Manning

The Examiner has rejected claims 1-3, 6-13, 15-20, 22-23, 43-44 and 47-49 under 35 U.S.C. §102 (e) as being anticipated by Manning, U.S. Patent Application No. 2002/0103829, (“Manning”). Manning shows an indexing system for aiding in queries. As stated in the abstract, one entry is added to at least one table. These tables, shown in Figure 6, are used in executing queries. The tables index the contents of XML documents (paragraph 6, line3, see also paragraph 9). and facilitate flexible queries to extract data from real and virtual documents (paragraph 7). There is no mention of persistence packages, persistent data, nor transforms being applied to format

data. Instead, Manning adds tables with pointers to the undisturbed XML data to be used for queries in an RDBMS.

In Claim 1, as amended, for example, persistent data is extracted from the persistence package. This data is then formatted and stored accordingly. In Manning, there is no formatting of the data before it is stored. Instead, some of the metadata is copied into tables. Accordingly, Claim 1 is believed to be allowable over the reference. The remaining independent claims are believed to be allowable on similar grounds.

35 U.S.C. §103 Rejections

Manning

The Examiner has rejected various of the claims under 35 U.S.C. §103 (a) as being unpatentable over Manning, in view of these references. None of these references are cited for the elements that are missing from Manning. Many of them also relate to generating indexes for search purposes. Accordingly, these rejections are also, respectfully traversed.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

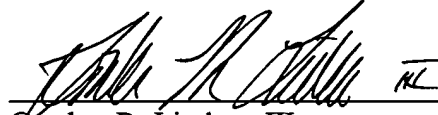
Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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